IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.330/99

Bhanwar Singh **Versus** State & Anr.

DATE OF ORDER :: 11/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Sua Lal Yadav, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed against the order dated 18th January, 1999 whereby application filed by accused-petitioner u/s.91 Cr.P.C. for summoning the daily diary maintained by one of the prosecution witness Rakesh Sharma, was rejected, which is directly concerned with the offence for which he is being prosecuted.

Learned trial Judge while examining the application filed by accused-petitioner u/s.91 Cr.P.C. has observed that the statement of prosecution witness Rakesh Sharma has been recorded and the daily diary maintained by him in no manner directly or indirectly is concerned/connected with regard to the charge for which the accused has been prosecuted and finally observed that there is no necessity available to summon the daily diary maintained by him and consequently, rejected the said application under order impugned dated 18th January, 1999.

This court has gone through the order impugned and does not find any infirmity which may call for interference. Apart from it, this matter is of 1994 and the same must have been decided by now.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.